



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,414	11/16/2001	Gil Gavriel Dudkiewicz	051448.0206	1945

7590 01/15/2004

David A. Blumenthal
Foley & Lardner
2029 Century Park East - Suite 3500
Los Angeles, CA 90067-3021

EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 01/15/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,414

Applicant(s)

DUDKIEWICZ ET AL.

Examiner

Jason P Salce

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/07/03 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lee et al. (U.S. Patent No. 6,483,428).

Referring to claim 1, Lee discloses a category tool for receiving input from a user (see Column 2, Lines 13-19 for providing a UI capable of receiving user input) specifying predefined subject matter categories representing subject matter of interest to the viewer (see Column 2, Lines 29-34 for specifying which categories the user has interest in).

Lee also discloses the subject matter represented by each of said predefined categories is defined such that the predefined categories together form a hierarchy comprising at least a set of top-level categories, respective sets of first level-sub categories each corresponding to and encompassed by a top level category, and respective sets of second level sub-categories each corresponding to and encompassed by a first level sub-category (see Column 4, Lines 5-8 for three levels of ranking).

Lee also discloses that the category tool is responsive to user navigation commands to provide navigation among said predefined categories in accordance with said hierarchy (see Column 2, Lines 34-36 discloses an overview mode for letting the user interact with the search and profiling results to select a program).

Referring to claim 2, Lee discloses that the user interface further comprises a keyword tool for receiving input from a user specifying keywords representing subject matter of interest to the viewer (see step S135 in Figure 18).

Referring to claim 3, Lee discloses that input received by said keyword tool comprises keyword preference scores indicating an amount of viewer interest in subject matter represented by a specified keyword (see step S140 in Figure 18 for identifying common terms using the keywords and then ranking the entire list in step S145).

Referring to claim 4, Lee discloses that input received by said category input tool comprises category preference scores indicating an amount of viewer interest in subject matter represented by a specified predefined category (see Column 10, Lines 16-24 for specifying a category score).

Referring to claim 5, see rejection of claim 2. The examiner notes that a keyword and a qualified keyword is still a "keyword". The term "qualified" does not limit this limitation.

Referring to claim 6, see rejection of claim 3. The examiner notes that a keyword and a qualified keyword is still a "keyword". The term "qualified" does not limit this limitation.

Referring to claim 7, see element 140' in Figure 7 for specifying how much a user likes and dislikes certain categories of programs.

Referring to claim 8, Lee discloses a priority tool for receiving input from a user specifying a priority of said viewer profile relative to other viewer profiles when multiple viewer profiles are used for determining programming events of interest (see Column 4, Lines 29-34 for adjusting the weighting of a user profile).

Referring to claim 9, Lee discloses an alert per time period tool for receiving input from a user specifying a maximum number of alerts to be generated within a given time period using said viewer profile (see Column 3, Lines 31-34 for alerting a viewer of upcoming programming event, also note Column 3, Lines 23-25 for monitoring the user's viewing pattern (i.e. viewer input)).

Referring to claim 10, Lee discloses an alert time advance tool for receiving input from a user specifying, for a programming event determined to be of interest using said viewer profile, an amount of time prior to the programming event that an alert for the programming event is to be provided (see Column 3, Lines 23-48 for alerting the viewer of an upcoming programming according to a viewer profile). Note that at Column 3,

Lines 31-34, the alert is for an "upcoming program", therefore the user is inherently alerted before the program will be viewed.

Referring to claim 11, Lee discloses a profile activation time tool for receiving input from a user specifying times of day during which the viewer profile is to be used for identifying programming events of interest (see Column 4, Lines 54-62 for ranking a time range when a viewer would like to view programs).

Claim 12 directly relates to claim 1, where Lee discloses the additional limitation of storing data representing said specified predefined categories in a viewer profile in a computer readable medium (see Column 7, Lines 11-18 for storing preference and profile information).

Referring to claims 13-20, see rejection of claims 2-3, 5, 4 and 8-11, respectively.

Referring to claim 21, see rejection of claim 12.

Referring to claims 22-29, see rejection of claims 2-3, 5, 4 and 8-11, respectively.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5359.

Art Unit: 2611

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

January 8, 2004



VIVEK SRIVASTAVA
PRIMARY EXAMINER